

## REMARKS/ARGUMENTS

Claims 2-4, 7-9, 11-16 and 18-19 have been resubmitted. Claims 1, 5, 6, 10 and 17 are currently amended. Claims 20-38 were withdrawn in an election filed on July 13, 2007 and are herein canceled

The Examiner rejected claims 1-5 and 10-19 under 35 U.S.C. 112 as failing to comply with the written description and being indefinite. The Examiner rejected claims 1-4 under 35 U.S.C. 102(b) as being anticipated by Wyatt (GB 2056424). The Examiner also rejected Claims 6-9 under 35 U.S.C. 103(a) as being unpatentable over Teriu et al. (US 5,187,137) in view of Sakakibara (JP 03-151046 A) and Mirowsky et al. (US 2003/0150222).

### Examiner Interview

On January 18, 2008 Applicants' attorney briefly engaged in a telephone interview with the Examiner. The principal matter discussed in the conversation related to interpretation of a reference Wyatt (GB 2056424). The Examiner expressed an interpretation to the effect that, in spite of Wyatt describing Mn and Ni as possible catalyst ingredients, there are other possible compositions of a Wyatt catalyst which may be devoid of Mn and Ni.

Applicant appreciates the opportunity to learn of this interpretation and has provided an alternative interpretation of the Wyatt reference hereinbelow.

### Claim Amendments

Claims 1, 6, 10, and 17 are amended to define that a catalytic composition disposed on a titania catalyst support is free of "transition metal and compounds of transition metal selected from the group Mn (manganese)

and Ni (nickel)". Claim 5 is amended to delete a limitation that the catalytic composition "contains no Ni(nickel) or Mn(manganese) or compounds of Ni or Mn". Support for these feature is found in paragraphs [0006], [0012], [0036], [0039] and [0041] of the originally filed specification.

Rejection under 35 U.S.C. 112

The Examiner has objected to use of a phrase "free of transition metal which is susceptible to sulfate formation" in claims 1-5 and 10-19. This objection appears to be based on two premises. Firstly, that the term "susceptible to sulfate formation" is not found in a written description of the invention. Secondly, that the term "transition metal" may arguably be inclusive of palladium. The Examiner has apparently reconciled this second premise by interpreting the term "is free of transition metal" to mean "is free of Mn and Ni".

Without acquiescing to the Examiner's point of view, applicant has nevertheless amended his claims 1-5 and 10-19 to define a catalyst compound that "is free of Mn and Ni" and their respective compounds. Also, the term "susceptible to sulfate formation" has been deleted from claims 1-5 and 10-19.

Applicant submits therefore that claims 1-5 and 10-19 as amended are suitably supported in the specification and are sufficiently definite to overcome the objections raised by the Examiner. Furthermore, applicant submits that because claims 10-19 were rejected **only** under 35 U.S.C. 112, these claims 10-19 should now be deemed allowable.

Wyatt (GB 2056424)

Wyatt discloses an ozone removal system for an aircraft that may employ catalytic materials selected from "the group consisting of Pt, Ru, Rh, Pd, Ir, Os, Fe, Co, **Ni**, Ag, **Mn**, and Sn alloys, mixtures and compounds containing one or more of these metals" (lines 31-32). Wyatt further discloses that preferred catalytic materials are "Pt, Ag and **Mn**" (line 51).

Claim 1, as amended, defines an aircraft ozone removal system which expressly **includes** a presence of palladium and silver and expressly **excludes** presence of "transition metal and compounds of transition metal selected from the group Mn (manganese) and Ni (nickel)".

The Examiner appears to conclude that because Wyatt describes a group of catalytic material that includes palladium and silver, Wyatt therefore anticipates the invention of claim 1. But, to be effective as an anticipatory reference, Wyatt must show a composite catalytic material that not only includes silver and palladium, but also excludes manganese and nickel. Applicant submits that such a premise is not supported in Wyatt. Wyatt merely discloses a group of materials that may be catalytically effective. There is no showing in Wyatt that any particular combination of materials is deemed to be particularly effective.

Wyatt simply does not disclose that, out of a group of twelve elements, two particular elements, silver and palladium, should be included in a catalytic material while another particular element, manganese, should be excluded. Therefore applicant respectfully requests that Wyatt be withdrawn as a reference against claims 1-4.

Teriu et al. (US 5,187,137)

Teriu et al. discloses an ozone decomposing catalyst that is palladium based. Teriu et al. expressly teaches that Mn oxide is an included ingredient of the catalyst. (Col. 3 lines 41-42)

As described above with respect to claim 1, claim 6 is also amended to define that a catalytic composition that is disposed on a titania catalyst support that "is free of transition metal and compounds of transition metal selected from the group Mn (manganese) and Ni (nickel)".

As described in the discussion of Wyatt, the invention defined in claim 6 is not taught or suggested in any way by Teriu et al. Nor is there a teaching of the inventions defined in any of the claims that are dependent on claim 6. Applicant therefore respectfully request that Teriu et al. be withdrawn as a reference against claims 6-9 either by itself or in combination with any of the other cited references.

Sakakibara (JP 03-151046 A)

Sakakibara discloses a palladium and silver catalytic composition molded on a granular article of  $\text{MnO}_2$ .

As discussed above with respect to both Wyatt and Teriu et al., Sakakibara teaches a use of Mn or one of its compounds in a catalytic composition.

The invention defined in independent claim 6 is not taught or suggested in any way by Sakakibara. Nor is there a teaching of the inventions defined in

any of the claims that are dependent on claim 6. Applicant therefore respectfully request that Sakakibara be withdrawn as a reference against claims 6-9 either by itself or in combination with any of the other cited references.

Mirowsky et al. (US 2003/0150222)

Mirowsky et al. discloses merely that an ionic oxygen generator may be useful in the context of treating air for airplanes. Mirowsky et al. does not teach or suggest the use or composition of any catalytic components.

The invention defined in independent claim 6 is not taught or suggested in any way by Mirowsky et al. Nor is there a teaching of the inventions defined in any of the claims that are dependent on claim 6. Applicant therefore respectfully request that Mirowsky et al. be withdrawn as a reference against claims 6-9 either by itself or in combination with any of the other cited references.

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CONCLUSION

Applicant appreciates the opportunity extended by the Examiner to discuss issues relating to rejected claims in a telephone interview.

Reconsideration and withdrawal of the Office Action with respect to Claims 1-19 is requested. Allowance of claims 1-19 is requested.

In the event the examiner wishes to discuss any aspect of this response, please contact the attorney at the telephone number identified below.

☒ The Commissioner is hereby authorized to charge payment of the following fees with this communication or credit any overpayment to Deposit Account No. 50-0851:

☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

Respectfully submitted,

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